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In re Application of :
Shembel, et al. :
Application No.: 10/583,886 : DECISION
PCT No.: PCT/UA2004/000057 :
Int. Filing Date: 30 July 2004 :
Priority Date: 25 December 2003 :
Attorney's Docket No.: 60,726-126 :
For: MANGANESE DIOXIDE FOR A LITHIUM :
BATTERY CATHODE :
:

This decision is responsive to the "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION. UNDER 37 C.F.R. § 1.137(b)" filed 25 June 2007. The petition fee has been paid.

BACKGROUND

On 30 July 2004, applicant filed international application PCT/UA2004/000057 that claimed priority of an earlier United Arab Emirates application which was filed 25 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 July 2005. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 25 June 2006.

On 21 June 2006, applicants (through their representative Michael G. Shariff) filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a copy of the international application, the search fee, the examination fee and the basic national fee of \$150 as required by 35 U.S.C. 371(c). These papers were assigned application number 10/583,886.

On 11 April 2007, the United States Patent and Trademark Office in its capacity as an Elected Office mailed the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) indicating that applicant was required to file an oath/declaration along

with the \$65 surcharge, and a translation of the application into English along with the \$130 surcharge. The notification set a two-month time period in which to respond.

On 25 June 2007, applicants (through their representative Neil R. Jeter) filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, an English language translation of the international application, a preliminary amendment, a petition to revive, the petition fee, the search fee, the examination fee and the basic national fee of \$150 as required by 35 U.S.C. 371(c). These papers were assigned application number 11/793,962.

DISCUSSION

It should first be noted that the papers filed on 25 June 2007 have been placed in application serial no. 10/583,886. The later assigned serial number 11/793, 962 has been cancelled.

It should also be noted that neither attorney has filed a proper power of attorney in the application, so all correspondence will be sent to the attorney who filed the first application papers, e.g., Michael Shariff.

With respect to the papers filed in this application, the papers filed 25 June 2007 are being considered as an attempted response to the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) mailed to applicant on 11 April 2007. Applicant's response was filed later than the two month period for response, with permission to charge the deposit account "for any additional fees which may be required." Therefore, applicant's deposit account has been charged the \$60 fee for a one month extension of time. Further, applicant failed to file a oath/declaration. Therefore, this response is considered non-responsive.

Applicant also included a "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)." This petition is deemed moot, since a timely response to Notification (Form PCT/DO/EO/905) was filed.

CONCLUSION

The petition to revive is deemed **MOOT**.

Applicant's Deposit Account # 50-0951 has been **CHARGED** \$60.00 for a one-month extension of time.

This application is being forwarded to the national stage office for preparation of a Form PCT/DO/EO/916 for being non-responsive.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450,

Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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